



California Regional Water Quality Control Board

Los Angeles Region



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Agency Secretary

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Arnold Schwarzenegger
Governor

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Meeting Minutes

Los Angeles Regional Water Quality Control Board
June 8, 2006 Regular Board Meeting
The Metropolitan Water District of Southern California
700 North Alameda Street, Los Angeles, California

Item 1. Roll Call

The meeting was called to order by Chair David Nahai at 9:20 a.m.

Board Members Present: Chair H. David Nahai, Vice Chair Fran Diamond, Susan Cloke, Bonny Herman, Mary Ann Lutz, Maribel Marin, Leo Vander Lans, Dick Richardson

Board Members Absent: Brad Mindlin

Staff Present: Jonathan Bishop, Deborah Smith, Ronji Harris, David Bacharowski, Stephen Cain, L.B. Nye, Jack Price, Paula Rasmussen, Michael Levy, David Hung, Robert Sams, Renee DeShazo, Ginachi Amah, Samuel Unger, Cassandra Owens

Individuals whose Names Appear on the Sign-In Sheet

Dr. Mark Gold, Heal the Bay	Ms. Teri Davis, City of Inglewood
Mr. Dave Webster, Targhee, Inc.	Mr. Paul Singerella, Latham & Watkins
Mr. Lester Nemesh, Pillsbury Winthrop	Mr. Wing Tam, City of Los Angeles
Mr. Matthew Cohen, City of Beverly Hills	Ms. Penny Weiland, City of Los Angeles
Ms. Teri Davis, City of Inglewood	Ms. Ann Heil, L.A. County Sanitation District
Mr. Dana Palmer, Santa Monica Baykeeper	Ms. Shelley Luce, Santa Monica Bay Restoration
Ms. Zora Baharian, City of Los Angeles	Mr. David Fleming, L.A. Chamber of Commerce
Ms. Tracy Egoscue, Santa Monica Baykeeper	Ms. Deborah Weinstein, City of Los Angeles
Ms. Sharon green, L.A. County Sanitation District	Mr. Kevin Powers, City of Beverly Hills
Ms. Ann Heil, L.A. County Sanitation District	Mr. Youn Sim, L.A. County Dept. Public Works
Ms. Mary Small, Coastal Conservancy	Ms. Cindy Lin, USEPA
Mr. Ivan Karnezis, CALTRANS	Mr. Rex Frankel, BEEP
Mr. Hampik Dekermenjian, CDM	Mr. John Behjan, City of Simi Valley
Mr. Gene Lucero, Latham & Watkins	Mr. Kris Flaig, City of Los Angeles
Mr. Vaikko Allen, Contech Stormwater Solutions	Ms. Sheila Kennedy, Enfact
Mr. Dana Palmer, Santa Monica Baykeeper	Mr. Mate Caspar, City of Culver City
Ms. Kirsten James, Heal the Bay	Ms. Sarah Abramson, Heal the Bay
Mr. Darrell Siegrist, County of Ventura RMA	Mr. Vance Allen, Contech Stormwater Solutions

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Item 2. Order of Agenda.

The Executive Officer, Jonathan Bishop requested that Item 18 be heard prior to Item 15.

MOTION: To approve Order of agenda.

First: Vice Chair Fran Diamond

Second: Board Member Susan Cloke

Vote: Approved unanimously by vote

Item 3. Approval of April 6, 2006 and May 11, 2006 draft Meeting Minutes.

MOTION: To approve draft meeting Minutes with requested edits.

First: Board Member Susan Cloke

Second: Vice Chair Fran Diamond

Vote: Approved unanimously by vote

Item 4. Board Member Communications.

Board Vice Chair Fran Diamond indicated that she and Board Member Susan Cloke met with a group of women who have been dealing with water supply issues in the City of Los Angeles, including Paula Daniels from the City of L.A Board of Public Works to discuss water recycling.

Board Member Mary Ann Lutz attended a attended the Urban Water Institute conference in Long Beach and sat on a panel discussing the sensitive ocean water issues. Ms. Lutz also conducted a mini seminar called Water 101 which City Managers, City Council Members and Public Works Directors, Jerry Secundy of State Board, and Jonathan Bishop, Executive Officer, Los Angeles Regional Board attended and shared basic information on water such as where our water comes from, where it goes after it is used, and specifically how the Regional and State Boards and all the Cities relate to the MS4 permits.

Chair David Nahai was a Panel speaker at the Urban Water Institute Conference in Long Beach on June 1, 2006.

Chair Nahai informed the Board that Governor Schwarzenegger has asked all of the Regional Boards to develop an action plan of its priorities if the Regions could get everything accomplished as intended, this will then plug into a larger picture of the California Action Plan by the Governor. Chair Naha indicated that he has asked Vice Chair Fran Diamond to work with him in coordinating this effort for the Los Angeles Regional Board..

Item 5. Executive Officers Report

Report given by Ms. Deborah Smith, Chief Deputy Executive Officer, and posted on the Board's website:

www.swrcb.ca.gov/~rwqcb4/html/eo_reports/eo_reports.html .



Item 5.a. Report from State Board by Mr. Jerry Secundy.

Mr. Secundy informed the Board that there are now two new members, Mr. Charles Hopkins of Yuba City, and Mr. Gary Wolfe of Castro Valley that have joined State Board to replace Mr. Pete Silva and Mr. Richard Katz's positions. (Mr. Secundy read the new Board Members' bios.)

Mr. Secundy indicated that the Boeing hearing has a confirmed date of June 21, 2006 at State Board.

Item 6. Public Forum.

Ms. Sharon Green, Sanitation Districts of Los Angeles County
Mr. Steve Shastag, Representing The Boeing Company

Item 7. Uncontested Items Calendar.

MOTION: To deem non-controversial and approve Agenda Items 8, 9.1, 9.2, 10, 11, 12, 13, 14.1, 14.2 (Board Member posed a question regarding Item 8, however this item was able to remain on the consent calendar.)

Chair Nahai recused himself from voting on items 9.1, 9.2, 10, 11, 12,

MOTION: Approval of uncontested items 8, 13, 14.1 and 14.2

First: Vice Chair Fran Diamond

Second: Board Member May Ann Lutz.

Vote: Approved by unanimous vote.

MOTION: Approval of uncontested items 9.1, 9.2, 10, 11, 12,

First: Board Member Susan Cloke

Second: Board Member Dick Richardson

Vote: Approved unanimously (with Chair David Nahai's recusal from voting on these items.)

Item 18. Information Item. Sharam Kharaghani, City of Los Angeles gave a presentation on the Cleaner Rivers through Effective Stakeholder Total Maximum Daily Loads (TMDLs) stakeholder process, a partnership with Regional Water Quality Control Board and Environmental Protection Agency (EPA) to develop TMDLs.

Mr. Kharaghani presented a progress report. on activities involving the City of Los Angeles' involvement with Cleaner Rivers Through Effective TMDLs (CREST). Mr. Kharaghani went over the background of CREST and the stakeholder process and involvement.



Item 15. Basin Plan Amendment to incorporate TMDL for bacteria indicator densities in Ballona Creek.

Chair David Nahai administered the Oath.

Staff Report.

Ms. Ginachi Amah

- This TMDL is the last of the Santa Monica Bay Bacteria TMDLs
- This TMDL is subject to the federal consent decree between the Santa Monica Baykeeper, Heal the Bay and the USEPA
- This TMDL uses the same reference system approach supplied in our other bacteria TMDLs
- The Basin Plan defines three sections of the creek referred to as reach 1, reach 2 and Ballona Creek Estuary
- Listed as being impaired in the 303 (d) list for higher bacteria levels
- Rec-1 system anti-degradation approach ensures water quality in affected water body will be as good as a natural system
- Urban and storm water runoff are major contributors of flow and bacteria loads in the creek
- The re-opener occurs four years after the effective date of the TMDL to allow for revisions to waste load allocations based on special studies

Public Comment:

City Council Member, City of Culver City, Carol Gross (opposed)

Dr. Cindy Lin, U.S. Environmental Protection Agency (in support)

Ms. Carrie Douangsithi, L.A. County Department of Public Works (opposed)

Mr. Rex Frankel, (opposed, prefer a more cost effective approach)

Mr. Sharam Kharaghani, City of Los Angeles, (opposed, the City requests more time for compliance)

Mr. Matthew Cohen, City of Beverly Hills (opposed)

Mr. Paul Singerella, Latham & Watkins representing Playa Vista (opposed, recommended changes)

Ms. Tracy Egoscue, Santa Monica Baykeeper (support TMDL, oppose movement of Implementation Plan)

Mr. David Fleming, L.A. Chamber of Commerce (opposed as written, concur with changes recommended by Playa Vista)

Mr. Ivan Karnezis, Caltrans (opposed)

Dr. Marl Gold, Heal the Bay (in support, opposed to time frame for compliance)

Mr. Matt Gaspar, City of Culver City

Board concerns/comments:

- Asked the EO to address the concerns speakers have on the time frame and economic issues pertaining to this TMDL (*The EO responded*)
- Clarification on accuracy of CEQA analysis as written by staff (*Staff Counsel Michael Levy responded, indicating that staff did extensive CEQA analysis, and any such comments were never raised during the scoping meetings or in comments when the proposal was being circulated.*)
- Is there a possibility that a TMDL can have two time frames for two different situations written into it?
- Asked for clarification on BMPs
- Does the CEQA performed on this TMDL meet or exceed the Trash TMDL? (*There was extensive discussion on CEQA between Staff Counsel and the Board*)



MOTION: To approve the proposed Basin Plan Amendment recommended by staff.

First: Vice Chair Fran Diamond

Second: Board Member Susan Cloke

Vote: Approved by voice vote 8-1; One opposing vote by Board Member Bonny Herman.

Item 16. Proposed Basin Plan Amendment to incorporate a TMDL for metals and selenium in Calleguas Creek.

Board Chair Nahai administered the Oath.

Staff Report

Mr. Samuel Unger, Acting Chief, Regional Programs Section.

- Gave an overview of the stakeholder led process that formed the basis for developing the TMDLs
- Discussed the significant comment submittals
- Discussed staffs recommendations and the change sheets
- Talked about the stream flow in the watershed
- The basis for the 303(d) listings
- Described the TMDL development process for Calleguas Creek and collaboration with stakeholders, USEPA, and Regional Board staff
- Discussed the CEQA activities on this TMDL
- Discussed the waste load allocations with this TMDL and the economic allocations

Public Comment.

Mr. Ivan Karnezis, CalTrans, (in support)

Dr. Cindy Lin, USEPA (in support)

Mr. Richard Hajas, Camrosa Water District (in support)

Ms. Kirsten James, Heal the Bay (in support)

Board questions/comments:

- Directed staff to make clarification in page 16-422, second paragraph that the genesis of the TMDL program is not the consent decree, but the Clean Water Act; asked staff to revise the TMDL to reflect this change.
- Questions and concerns about the CEQA analysis

Staff Counsel Michael Levy gave clarification on the general nature of the comments and non-specific comments received about the CEQA analysis, and proposed some language changes to the checklist.

MOTION: To adopt the proposed Basin Plan amendment and TMDL with change sheet, and proposed language revisions as recommended by Staff Counsel Michael Levy.



First: Board Member Board Member Vander Lans

Second: Board Member Dick Richardson

Vote: Approved by unanimous vote.

Item 17. Tentative Resolution to set aside the L.A. River Trash TMDL until it has been brought into compliance with the requirements of CEQA.

Board Member Mary Ann Lutz recused herself from participating in the voting on this matter.

Chair David Nahai administered the Oath.

Staff Report.

Senior Staff Counsel Michael Levy.

- Historic background for the adoption of the Ballona Creek and the Los Angeles River TMDLs back in 2001 and the challenge by 22 cities in the Los Angeles area; the appeal of the cases by the Water Boards
- Discussed the Writ of Mandate directed by the Court for the two TMDLs
- Clarification on the Consent Decree
- Staffs issuance of a new draft Resolution with minor modifications in response to comment letter received from the Law Firm of Rutan & Tucker on behalf of the plaintiff cities
- Discussed the new changes to the Resolution and staffs responses to the comments received
- Mr. Michael Levy recommended language changes
- Mr. Levy indicated that the Cities have concern with the speed in which we can comply with the Court's mandates.

Public Comment:

Mr. Dana Palmer, Santa Monica Baykeeper

Ms. Tracy Egoscue, Santa Monica Baykeeper

Ms. Heather Hoecherl, Hea the Bay

Mr. Terrence Gallagher, Coalition for Practical Regulation, Cities of Arcadia et al.

Board questions/concerns:

- Asked for clarification on language terms
- In respect to filing of the Writ, requested specificity of a date instead of "sometime this fall"
- Requested other language changes to the proposed Resolutions

MOTION: To adopt the proposed Resolution with proposed changes.

First: Board Member Susan Cloke

Second: Board Vice Chair Fran Diamond

Vote: Approved by unanimous vote.

The meeting was adjourned at approximately 4:22 p.m. Minutes adopted at the July 13, 2006 Board meeting.

Written and submitted by: _____

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